

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

SUITS – Land Acquisition –PJP –GADWAL -Mahabubnagar District – Dharoor (Mandal) Khammampad (V) H/o.Uppair (Village) – O.P.No.143/1991 and batch of (9 cases) – Sanction of decretal charges of **Rs.11,17,078/-** - Orders – Issued.

IRRIGATION & CAD (PW.LA.III.A2) DEPARTMENT

G.O.RT.NO. 501

DATE:03.07.2009

Read:

From the Special Collector (LA) Bheema Project, Mahabubnagar Lr.No.
Lr.No.E/PJP/318/2009, dated:26.06.2009 received on 30.06.2009.

O R D E R:

The Special Collector, Land Acquisition, Bheema Project, Mahabubnagar District has submitted the proposals for sanction of final payment of decretal charges towards interest on 30% solatium and 12% AMV in respect of O.P.No.143/1991 & batch of (9 O.Ps) pertaining to Khammampad (V) H/o.Uppair (V) Dharoor (M) of Mahabubnagar District. The then Land Acquisition Officer acquired lands in the limits of Khammampad H/o.Uppair (V) vide Award No.4/91, dt:25.03.91 by fixing the market value @Rs.8,000/-, Rs.8,000/- and Rs.7,000/- for Category-I, II & III for the purpose of submergence under PJP and paid compensation to the Awardees. The Awardees have filed petitions U/s.18 of L.A.Act. The Sr.Civil Judge, Gadwal has delivered its judgment on 20.10.95 by enhancing the market value from Rs.8,000/- to Rs.45,000/- for Cat-I, II and from Rs.7,000/- to Rs.30,000/- for Cat-III. Aggrieved with the orders, the SDC, LA Unit, PJP, Gadwal has filed appeal in Hon'ble High Court of Andhra Pradesh, Hyderabad. The Hon'ble High Court has granted interim stay orders. In compliance to the Hon'ble Court orders, the Special Collector (LA) Bheema Project, Mahabubnagar has deposited 50% decretal charges. The Hon'ble High Court of A.P, Hyd has disposed the Appeal on 09.09.96. Aggrieved by the said order of the Hon'ble High Court, the SDC, LA Unit, PJP, Gadwal has filed SLP before the Hon'ble Supreme Court of India, New Delhi on 07.09.98. The same was dismissed by the Hon'ble Court on 10.01.2000. In the meanwhile, the claimants have filed W.P.No.23235/95 and Contempt Case No.294/99 in Hon'ble High Court. In compliance to the Court orders, Govt.have sanctioned decretal charges vide G.O.Rt.No.25, dt:06.01.2000 and the same was deposited in the Civil Court. In the meanwhile, the Claimants have filed E.Ps before the Lower Court for payment of interest on 30% solatium and other additional benefits. This E.P's is filed in view of the directions issued by the Hon'ble Supreme Court of India, 2001 (5) DT (SC) 191, dt:19.09.2001.The Claimants have also filed W.P.No.17537/2005. The SDC, LA, PJP, Gadwal has filed counter while praying the Hon'ble Court to dismiss the Writ Petitions. The Hon'ble High Court of A.P,Hyd ordered on 03.07.2008 to deposit the interest on solatium and additional market value to the credit of E.P.No.67/2002 and batch in O.P.No.143/1991 and batch on the file of the Sr.Civil Judge, Gadwal of Mahabubnagar District.

2) After careful examination of the matter, Government hereby accord sanction for an amount of **Rs.11,17,078/- (Rupees Eleven lakhs seventeen thousand and seventy eight only)** in respect of O.P.No.143/1991 & batch of (9 O.Ps) pertaining to Khammampad (V) H/o.Uppair (V) Dharoor (M) of Mahabubnagar District subject to verification whether the reference under section.18 (1) of the L.A.Act is made to the Lower Court after following all the guidelines/directions on the subject and in case it is detected that Sec.18 reference was made contrary to the rules/guidelines issued by the Govt/Special Chief Secretary to Government and Chief Commissioner for Land

(PTO)

Administration, Andhra Pradesh, Hyderabad immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the Chief Engineer as to the extent of land acquired. Further, the Special Collector should verify the calculations made by the Land Acquisition Officer once again thoroughly with reference to the decree and instructions issued by the Government/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower court.

3) The expenditure sanctioned in para (2) above shall be debitable to following Head of Account under "4701- SMJH – 01 – Major Irrigation – M.H.122 – Jurala Project G.H.11 – NSP – S.H (26) – Dams and Appurtenant works – 530 – Major works 532 – Lands (charged). In case, the available budget provision is not sufficient to meet the proposal requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

4) This order issues with the concurrence of Finance (Works&Projects) Department vide their U.O. No.2516/F2(2)/2009-1, dated 03.07.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
SECRETARY TO GOVERNMENT

To
The Spl. Chief Secretary to Government & CCLA, A.P., Hyderabad.
The Special Collector, LA, Bheema Project, Mahabubnagar.
The Chief Engineer, MBNR, Jalasoudha Buildings, Erramanzil, Hyderabad.
The SDC, LA, PJP, Gadwal, Mahabubnagar.
The Director of Works Accounts, Hyderabad.
Copy to: P.S. to Minister (M& MI).
Finance (W&P) Department/File C.No.15686/LA.III(A2)/2009
SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER